

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**MICHAEL ERICK STACHMUS,**

**Petitioner,**

**v.**

**JAMES RUDEK, Warden,**

**Respondent.**

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**Case No. 11-CV-27-JHP-KEW**

**ORDER AFFIRMING AND ADOPTING THE REPORT AND  
RECOMMENDATION OF THE UNITED STATES  
MAGISTRATE JUDGE**

On February 25, 2014, the United States Magistrate Judge entered a Report and Recommendation in regard to Petitioner's petition for writ of habeas corpus, filed pursuant to 28 U.S.C. § 2254. [Doc. No. 16]. The Magistrate Judge recommended that this action be, in all respects, dismissed because the Petitioner has not established that he is in custody in violation of the Constitution or the laws or treaties of the United States. The Plaintiff filed a timely objection to the Magistrate Judge's Report and Recommendation. [Doc. No. 17].

This Court finds that the Report and Recommendation of the Magistrate Judge is supported by the record. Therefore, upon full consideration of the entire record and the issues presented herein, the Court finds and orders that the Report and Recommendation entered by the United States Magistrate Judge on February 25, 2014, be **AFFIRMED** and **ADOPTED** by this Court as its Findings and Order.

IT IS SO ORDERED this 30th day of September, 2014.

  
James H. Payne  
United States District Judge  
Eastern District of Oklahoma